

## **4<sup>th</sup> JUDICIAL DISTRICT MAGISTRATE COURT ZOOM HEARING PROTOCOL**

### Manner of Appearance

- Zoom Meetings, which is internet based, will be used
- Each participant will need internet access
- Participants may access Zoom from any device
- If using the Zoom app from a tablet or phone, participants should download the app at least one day prior to the hearing to avoid technical difficulties
- Participants are encouraged to test Zoom before the hearing
- Appropriate attire should be worn along with appropriate background without distraction.

### Scheduling

- Court Clerk will schedule the Zoom meeting time, after checking Magistrate's docket.
- Magistrate will invite participants via an email that includes a link to the meeting
- Magistrate will determine if the case will be streamed live through a YouTube Channel. The Channel is listed on the 4<sup>th</sup> Judicial District's website.
- Counsel must provide preferred email contact information for receiving the meeting link
- Counsel will be responsible for providing the meeting link to additional participants
- Counsel should make phone contact with their client and any witnesses well before the hearing to practice Zoom, explain the hearing protocol, and make sure they know what issues, if any, their client wants to raise.

### Hearing

- All will join the meeting from their device
- The meeting will begin when the host (judge) appears
- All participants will ensure video and sound is turned on from their device
- The Judge will decide when recording is to begin, clerk will begin recording, judge will set the zoom meeting to record.
- The Judge will determine if the matter will be broadcasted live via YouTube Channel
- Judge will call the case and ask each party to enter their appearance
- The court will remind the parties of the protocol at the start of the hearing
- To avoid speaking over each other, each individual will speak only when called on by the court
- Only one counsel for each party may speak during the hearing to avoid confusion
- The court's preference is that no more than two attorneys from each side appear, but again only one attorney will speak during the hearing
- Counsel for each party should include "Plaintiff's counsel" or "Defendant's counsel" in their profile name so the court can easily identify them when Zoom is in gallery view
- Each participant should ensure that will be no distractions during the hearing and should make every attempt to ensure adequate lighting and sound for the court to see/hear

- The court will announce when the hearing is adjourned, instruct the court reporter that we are off the record, and exit the Zoom meeting
- The host will then end the meeting

#### Other details

- Those who will be placed under oath must be in the state of Kansas
- The share screen function may be used to display exhibits, but any anticipated exhibits must be emailed to the court at least two days before the hearing
- Members of the public (media, family, etc) will be allowed to view the YouTube Channel if the hearing is public.
- For integrity of the proceedings, the judge may use the mute function for certain participants who disrupt the proceeding or disobey the stated protocol

#### Types of Cases:

Starting May 4<sup>st</sup> Magistrates will handle their docket by zoom meeting if an attorney has been assigned. Matters scheduled for evidentiary hearings will be set for “Status” until May 15<sup>th</sup>, 2020. (may be extended) The docket will be updated daily on the 4<sup>th</sup> Judicial District’s website.

Prior to May 4<sup>st</sup> scheduled hearings can be made to resolve “non-victim” cases such a misdemeanor drug cases and misdemeanor traffic cases. The defendant must appear by zoom in these matters. Defense attorneys may work with the Court if the defendant does not have access to zoom.

Starting May 1<sup>st</sup> Magistrates ask that the defendant appear by zoom, if not possible then through phone conferencing. On misdemeanor cases, the defense attorney may appear for the defendant, if the defendant has kept in contact with their attorney. Magistrates will continue to take pleas or stipulations on certain misdemeanor cases.

Respectfully,

Judge Rush

Judge Kimball

